



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

21 FEB 2006

Douglas R Hanscom
Jones, Tullar & Cooper
P O Box 2266 Eads Station
Arlington VA 22202

In re Application of : DECISION ON
BARROIS et al. :
Application No.: 10/541,869 :
PCT No.: PCT/DE03/03643 : PAPERS
Int. Filing Date: 03 November 2003 :
Priority Date: 22 January 2003 : UNDER 37 CFR 1.42
Attorney's Docket No.: W1.1602 PCT-US :
For: PRINTING PRESSES COMPRISING AT :
LEAST ONE PRINTING CYLINDER :

This is a decision on the submission filed by applicants on 11 July 2005, which was accompanied by, *inter alia*, a declaration of the inventors. The indication in this declaration that inventor Reinhold Dunninger is deceased has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 03 November 2003, applicants filed international application PCT/DE03/03643 which claimed a priority date of 22 January 2003 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 12 August 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 22 July 2005.

On 11 July 2005, applicants filed, *inter alia*, a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee and a declaration of inventors. The indication in this declaration that inventor Reinhold Dunninger is deceased has been treated as a request for status under 37 CFR 1.42.

DISCUSSION

The declaration filed 11 July 2005 fails to comply with 37 CFR 1.497(a)-(b). -First, it is not clear from the declaration whether the information below Brigitte Dunninger's signature is her residence, mailing address, and citizenship, or if it is the residence, mailing address, and citizenship of Reinhold Dunninger. Additionally, the declaration does not include the residence, mailing address and citizenship of the person(s) signing on behalf of the deceased

inventor (37 CFR 1.497(b)(2)) in addition to the full name *and citizenship* of the deceased inventor (37 CFR 1.497(a)(3)).

-Second, under 37 CFR 1.42, the declaration must include the signature of the legal representative or the signature of all of the heirs (or if there is only one heir, the sole heir). If the declaration is signed by a legal representative, the declaration should state that this person is the legal representative. Alternatively, applicants' attorney may file a statement certifying that the person signing is the legal representative. If the declaration is not signed by a legal representative and does not indicate that the persons signing are all of the heirs (or the sole heir), then it must be accompanied by a statement by either those signing or by the attorney which sets forth (1) that they are in fact all the heirs of the deceased and (2) that no legal representative of the deceased's estate has been appointed or is required by the applicable law to be appointed.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Applicant is required to submit a declaration in compliance with 37 CFR 1.497 and 1.42 within a time period of **TWO (2) MONTHS** from the mail date of this Decision. **THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a).** FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."



Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459